

SDC/WFCCA Joint Committee resolution 4-19-21

WHEREAS the Sully District Council of Citizens Associations (“SDC”) and West Fairfax County Citizens Association (“WFCCA”) joint land use committee (the “Joint Committee”) recognizes the paramount importance of the protection of the Occoquan Watershed and upholding Fairfax County’s environmental policies, as expressed in the adopted Fairfax County Comprehensive Plan; and

WHEREAS both SDC and WFCCA have long supported protection of residential neighborhoods from development impacts, including traffic, stormwater, noise and other detrimental effects, as well as protecting natural communities, including threatened species, and preserving contiguous wildlife habitat; and

WHEREAS the Sully District includes both residential conservation [R-C] and residential estate [R-E] zoned parcels, as shown on the attached map, and the WFCCA includes many member communities and individual residents within the R-C zoning district, in the western corner of Fairfax County;

WHEREAS both SDC and WFCCA strongly support facilitation of citizen and neighborhood engagement in the land use approval process, as well as the long standing tradition of robust citizen participation in the review and amendment of the Fairfax County zoning ordinance; and

WHEREAS the Joint Committee recognizes that impervious surface threatens water quality, and contributes to flooding; and that since 1982, nonresidential uses in the residential conservation [R-C] zoning district, and their associated impervious surfaces such as rooftops and parking lots, have been deliberately restricted to only those sites oriented to arterial roadways ; and

WHEREAS the Joint Committee appreciated the opportunity to review the draft staff report, and discuss with County staff the proposed “Agritourism” amendment to the Fairfax County Zoning Ordinance, which amendment has the potential for devastating impacts on water quality and the environment, as well as changing the character of low density residential neighborhoods; and

WHEREAS the Joint Committee strongly supports the adopted Comprehensive Plan for the Area III volume, Bull Run Planning District, page 1, specifically that

Almost the entirety of the planning district is located within the watershed of the Occoquan Reservoir. Protection of water quality has had a significant impact on land use in this area. A major reevaluation of land use in the planning district occurred as a result of the Occoquan Basin Study in 1982.

The Comprehensive Plan for a portion of the Bull Run Planning District provides for a rural character by maintaining a very low density planned development recommendation of .1-.2 dwelling units per acre or five- to ten-acre lots. This very low density pattern provides reasonable use of the property and serves as a land use Best Management Practice (BMP). When used in conjunction with stormwater management facilities (structural BMPs), the water that ultimately enters the Occoquan Reservoir is managed in a way that positively contributes to the quality of water in the reservoir. The reservoir is a major source of drinking water for the county and other jurisdictions, and the reservoir is an environmentally important feature and source of recreation for the public.

Preservation of water quality in the reservoir is of significant value to the public health and welfare. In addition to water quality benefits, very low density residential development, when applied to this general area, preserves large lot development opportunities and assures compatibility with the character of the existing residential development. More importantly, it allows the county to concentrate limited public resources for public facilities, transportation and public utilities in those areas planned for higher intensity development. Public revenue may be more economically and efficiently used by targeting these resources to planned centers that are expected to provide employment and affordable housing opportunities in accordance with the Policy Plan and Concept for Future Development.

WHEREAS the Joint Committee also strongly supports the locational guidance for nonresidential uses in the Occoquan Downzoning, specifically that [for example, page 70]

1. The land on the southwest perimeter of the county, adjacent to Loudoun County and Prince William County, lying generally along Bull Run and the public parkland associated with Bull Run has remained for the most part open and undeveloped and has a rural character. It is planned for residential development at .1-.2 dwelling unit per acre and public parkland. This is in conformance with the findings of the Occoquan Basin Study. The present very low density development which characterizes this area should remain intact to protect its natural wildlife and water quality.

2. Nonresidential uses requiring special exception or special permit approval should be rigorously reviewed. In general, these uses, if permitted at all, should only be located at the boundary of Low Density Residential Areas and Suburban Neighborhoods or where their impact on existing residences is minimal. These uses should be granted only if the following conditions

are met:

- Access for the use is oriented to an arterial roadway;***
- The use is of a size and scale that will not adversely impact the character of the area in which it is located; and***
- The use is designed to mitigate impacts on the water quality of the Occoquan Reservoir. ; and***

WHEREAS the Committee further recognizes that in Fairfax County

The core of Fairfax County's Environmental Quality Corridor (EQC) system is its stream valleys. Streams provide habitat for aquatic species and are an integral component of stream valley habitat systems. Streams also serve to replenish water sources that may ultimately provide drinking water and are places of natural beauty, that provide recreational and

aesthetic opportunities, contributing to the quality of life in Fairfax County. Much of the county's parkland consists of stream valley parks, and much of the county's existing and planned trail system is located near streams. Land use and development activities have the potential to degrade the ecological quality of streams through the direct transport of pathogens and pollutants, as well as through hydrologic changes that can alter the character of flow in streams, resulting in alterations to stream morphology (e.g., stream bank erosion). The protection and restoration of the ecological quality of streams is important to the conservation of ecological resources in Fairfax County.

Therefore, efforts to minimize adverse impacts of land use and development on the county's streams should be pursued.

The Occoquan Reservoir, one of Fairfax County's principal sources of drinking water, and many smaller impoundments in the county are highly stressed due to the impacts of urban stormwater runoff. [Policy Plan, p. 6]

and that

There are approximately 12,000 single-family residences and businesses that are served by individual well water supplies in Fairfax County. The county's well monitoring program is limited. Little is known about the potential for hazardous materials and leaking underground storage tanks to contaminate these wells. [Policy Plan, p. 7]

WHEREAS, the Joint Committee notes that the definition of "agritourism activity" in the state code is significantly narrower than staff's proposed local amendment, as follows: Compare VA. CODE ANN. § 3.2-6400,

"Agritourism activity" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, horseback riding, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

with staff's proposed expansion, to include of weddings and corporate events as a by-right commercial use on environmentally sensitive sites, having nothing whatsoever to do with agricultural activity, raising of crops, food and livestock.

Now, therefore, in view of the foregoing, BE IT RESOLVED as follows:

- 1) the Joint Committee **opposes** "busting" the Occoquan Downzoning with the "Agritourism" amendment, to allow for the first time since 1982, **by-right commercial uses or parking lots, for "party venue" or "event venue" uses on sites which are not oriented to arterial roadways, as fundamentally inconsistent with the long-standing objectives of Fairfax County environmental policy, the Occoquan Downzoning, and protection of water quality.** The Joint Committee instead requests the Planning Commission and Board of Supervisors to continue to forbid "parking lot" nonresidential uses in the R-C, except along the arterial roadways, to protect the streams, protect environmental habitat, minimize the impacts on neighborhoods from unlimited "special events" such as weddings or corporate events with as many as 350 guests. Traffic, parking, noise and stormwater impacts are inappropriate in environmentally sensitive areas, and enforcement of party attendance and parking is unlikely and difficult.
- 2) the Joint Committee **opposes** amending the zoning ordinance to add **any by-right "party venue" or "event venue" type uses in the R-C, R-E, and R-1 zoning districts;**
- 3) the Joint Committee **requests that the County retain an open public hearing process, with notice to the neighbors, for any "party venue," "event venue," "wedding venue" and "bed & breakfast" type uses,** with an opportunity for affected citizens to be heard, case by case, and development conditions to mitigate impacts;
- 4) the Joint Committee **reiterates its opposition to opening the R-C, for the first time since 1982, to nonresidential uses along the side roads and in neighborhoods,** and instead supports maintaining rigorous adherence to the locational guidance in the Fairfax County comprehensive plan.

- 5) the Joint Committee **opposes the criteria for “special events” in the agritourism amendment as too large and impactful for by-right uses in the R-C, R-E and R-1 zoning districts.**
- 5) the Joint Committee **reiterates its opposition to zoning ordinance amendments authorizing new commercial uses on septic in R-C, R-E and R-1,** which degrade the environment and jeopardize streams and water quality.
- 6) the Joint Committee requests the Planning Commission and Board of Supervisors to direct staff to study whether to establish objective mathematical standards established for **maximum percentage of impervious surface**, maximum size of parking lots, **especially in environmentally sensitive areas.**
- 7) the Joint Committee **opposes the rationale of “economic development” as justification for Fairfax County to weaken the Occoquan Downzoning** and introduce any additional for-profit commercial uses and large impervious surfaces on inappropriate sites off of arterial roadways.
- 8) the Joint Committee **opposes the adoption of the “Agritourism” amendment which lacks clear objective definition as to the minimum threshold level of activity necessary to establish an “agricultural operation”** sufficient to entitle the operator to a by-right “party venue” or other nonresidential uses impacting neighbors and the environment.
- 9) the Joint Committee **opposes the adoption of the “Agritourism” amendment which would allow impervious parking lots of unlimited size throughout the R-C** and other low density zoning districts, fundamentally inconsistent with the Occoquan Downzoning and existing environmental policies countywide, streamlined to abolish any public hearing process and development conditions.
- 10) the Joint Committee **opposes the adoption of the “Agritourism” amendment with significantly broader definitions of permitted by-right activity than those specified in the state code**, including weddings and other events categorically unrelated to agricultural operations, and have significant unmitigated impacts on residents and the environment.

BE IT FURTHER RESOLVED that this resolution be communicated to the Fairfax County Board of Supervisors, as well as the Planning Commission, Board of Zoning Appeals, and the Environmental Quality Advisory Council (EQAC).